

House of Representatives, March 30, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ANALYSIS OF SEXUAL ASSAULT EVIDENCE BY LABORATORIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 19a-112a of the general statutes, as
2 amended by section 2 of public act 97-257, is
3 repealed and the following is substituted in lieu
4 thereof:

5 (a) There is created a Commission on the
6 Standardization of the Collection of Evidence in
7 Sexual Assault Investigations composed of thirteen
8 members as follows: The Chief State's Attorney or
9 his designee; the executive director of the
10 Permanent Commission on the Status of Women or her
11 designee; the Commissioner of Public Health or his
12 designee; the Commissioner of Children and
13 Families or his designee; one member from the
14 Division of State Police and one member from the
15 state police forensic science laboratory to be
16 appointed by the Commissioner of Public Safety;
17 one member from Connecticut Sexual Assault Crisis
18 Services, Inc. to be appointed by its board of
19 directors; one member from the Connecticut
20 Hospital Association to be appointed by the
21 president of the association; one emergency
22 physician appointed by the president of the

23 Connecticut College of Emergency Physicians; one
24 obstetrician-gynecologist and one pediatrician to
25 be appointed by the president of the Connecticut
26 State Medical Society; one nurse to be appointed
27 by the president of the Connecticut Nurses'
28 Association; and one emergency nurse to be
29 appointed by the president of the Emergency
30 Nurses' Association of Connecticut. The Chief
31 State's Attorney or his designee shall be chairman
32 of the commission. The commission shall be within
33 the Division of Criminal Justice for
34 administrative purposes only.

35 (b) For purposes of this section "protocol"
36 means the state of Connecticut health care
37 facility protocol for victims of sexual assault
38 which shall consist of regulations adopted in
39 accordance with this subsection pertaining to the
40 collection of evidence in any sex offense crime.
41 The commission shall recommend the protocol to the
42 Chief State's Attorney for adoption as regulations
43 in accordance with the provisions of chapter 54.
44 Said regulations shall be adopted not later than
45 July 31, 1997. The commission shall annually
46 review the protocol and may annually recommend
47 changes to the protocol for adoption as
48 regulations.

49 (c) The commission shall design a sexual
50 assault evidence collection kit and may annually
51 recommend changes in the kit to the Chief State's
52 Attorney. Each kit shall include instructions on
53 the proper use of the kit, standardized reporting
54 forms, standardized tests which shall be performed
55 if the victim so consents and standardized
56 receptacles for the collection and preservation of
57 evidence. The commission shall provide the kits to
58 all health care facilities in the state at which
59 evidence collection examinations are performed at
60 no cost to such health care facilities.

61 (d) Each health care facility in the state
62 which provides for the collection of sexual
63 assault evidence shall follow the protocol as
64 described in subsection (b) of this section and,
65 with the consent of the victim, shall collect
66 sexual assault evidence. The health care facility
67 shall contact a police department which shall
68 transfer evidence collected pursuant to subsection
69 (b) of this section, in a manner that maintains
70 the integrity of the evidence, to [either] the

71 state police forensic science laboratory, [or] the
72 Department of Public Health toxicology laboratory
73 OR THE FEDERAL BUREAU OF INVESTIGATION LABORATORY.
74 The laboratory that receives such evidence shall
75 hold that evidence for sixty days after such
76 collection, except that, if the victim reports the
77 sexual assault to the police, the evidence shall
78 be analyzed upon request of the police department
79 that transferred the evidence to such laboratory
80 and held by the laboratory or police department
81 until the conclusion of any criminal proceedings.

82 (e) No costs incurred by a health care
83 facility for the examination of the victim of
84 sexual assault, when such an examination is
85 performed for the purposes of gathering evidence
86 as prescribed in the protocol described in
87 subsection (b) of this section, shall be charged
88 directly or indirectly to the victim of such
89 assault. Any such cost shall be charged to the
90 Division of Criminal Justice.

91 (f) The commission shall advise the Chief
92 State's Attorney on the establishment of a
93 mandatory training program for health care
94 facility staff regarding the implementation of the
95 regulations, the use of the evidence collection
96 kit and procedures for handling evidence.

97 (g) The commission shall advise the Chief
98 State's Attorney not later than July 1, 1997, on
99 the development of a sexual assault examiner
100 program and annually thereafter on the
101 implementation and effectiveness of such program.

102 JUD COMMITTEE VOTE: YEA 35 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5320

STATE IMPACT	None, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Division of Criminal Justice, Department of Public health, Department of Public Safety

EXPLANATION OF ESTIMATES:

The bill would not result in a fiscal impact. The current transfer of collected sexual assault evidence is not anticipated to be altered by the bill since it is uncertain if the Federal Bureau of Investigation would accept such evidence. If such evidence were accepted by the FBI, the number of cases would be few and would not affect the costs of the Department of Public Safety forensic laboratory or the Department of Public Health toxicology laboratory.

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OLR BILL ANALYSIS

SHB 5320

AN ACT CONCERNING THE ANALYSIS OF SEXUAL ASSAULT EVIDENCE BY LABORATORIES

SUMMARY: By law, a sexual assault evidence collection commission must develop and recommend a protocol to guide the processing of such evidence. The police must transfer such evidence collected by health care facilities to either the State Police forensic science laboratory or the Department of Public Health

toxicology laboratory. This bill allows the police to send this evidence to the Federal Bureau of Investigation laboratory as well.

EFFECTIVE DATE: October 1, 1998

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 35 Nay 0